

Dudley
Bruff
Mulliken

Beam
Darby—39

NEGATIVE.

Messrs. Miller
Wailes
Ely
Teackle
Jones
McCullough
Nowland
Henderson
Larrimore
Whitelock

Shriver
Nelson
Richardson
McLean
Wharton
Fiery
McMahon
Matthews
Berry
Frantz—20

So the house agreed to take up the preamble and resolutions.

Mr. Ely then offered as a substitute for said preamble and resolutions, the following;

Whereas the senate of the United States, did, on the 28th day of March, 1834, adopt the following resolution, viz:

“Resolved that the President in the late executive proceedings in relation to the public revenue, has assumed upon himself authority and power not conferred by the constitution and laws but in derogation of both”—

Which resolution now stands upon the journal of the senate.

And whereas the General Assembly of Maryland regard this act of the senate as an assumption of power not warranted by the constitution, and calculated to subvert the rights of the House of Representatives, and the fundamental principles of our free institutions.

And whereas, this General Assembly deem it their solemn duty to assert in behalf of themselves and the people of Maryland, the right of the constituent to instruct, and the duty of the representative to obey, or resign—Therefore,

Resolved by the General Assembly of Maryland, that the Senators from this State, in the Congress of the United States, be, and they are hereby instructed to vote for, and to use their best exertions to secure the passage of a resolution directing the aforesaid resolution of the Senate of the 28th day of March, 1834, declaring that “the President in the late executive proceedings in relation to the public revenue, has assumed upon himself authority and power not conferred by the constitution and laws, but in derogation of both,” to be expunged from the journal of the Senate of the United